Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1.-2.   (Canceled)

3.   (Previously Presented) A method for operating a CDMA user device comprising:

establishing a packet data communication session with a network, the packet data communication session being established in accordance with a protocol architecture comprising a plurality of layers including a physical layer;

facilitating use by a CDMA transceiver of the CDMA user device of a data traffic channel and a control channel associated with the packet data communication session;

transmitting information indicative of a data rate associated with the data traffic channel on the control channel, wherein the control channel is not adapted to carry voice or data traffic; and

maintaining a state of at least one of the plurality of protocol layers above the physical layer during the packet data communication session after the data traffic channel has been released.

4.-36.   (Canceled)

37.   (Previously Presented) The method of claim 3, wherein the control channel is transmitted to a base station in the network.

38.   (Previously Presented)   The method of claim 3, wherein the CDMA transceiver is operable to simultaneously transmit the data traffic channel and the control channel to a base station in the network.

39.   (Previously Presented)   The method of claim 3, wherein the data traffic channel carries voice information to a base station in the network.

40.   (Previously Presented)   The method of claim 3, wherein the data traffic channel and control channel are encoded with corresponding spreading codes.

41.   (Previously Presented)   The method of claim 3, wherein the data rate varies over time.

42.   (Previously Presented)   The method of claim 3, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.

43.   (Previously Presented)   The method of claim 3, wherein the plurality of protocol layers includes an application layer.

44.   (Previously Presented)   The method of claim 3 further comprising deciding to request the data traffic channel based on a priority of service of packet data.

45.   (Currently Amended)   The ~~CDMA user device~~ method of claim 3 further comprising deciding to request the data traffic channel based on an estimated data rate desired to transmit packet data.